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November 9, 2017

VIA, ELECTRONIC FILING

The Honorable Jocelyn Boyd
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

- Re: ● **Docket 2017-281-E**
● Objection to Duke Energy Carolinas, LLC and Duke Energy Progress, LLC's First Interrogatories and Request for Production of Documents to Birdseye Renewable Energy Projects.

Dear Ms. Boyd:

Enclosed for filing, please find the Objection to Duke Energy Carolinas, LLC and Duke Energy Progress, LLC's First Interrogatories and Request for Production of Documents to Birdseye Renewable Energy Projects and Certificate of Service.

Please notify the undersigned if you there is anything else you may need.

Respectfully Submitted,

/s/_____
Richard L. Whitt

RLW/cas

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2017-281-E**

IN RE: Shorthorn Solar, LLC; Rollins Solar, LLC;)
 Juniper Solar, LLC; Meslam Solar, LLC;)
 Culpepper Solar, LLC; Ashley Solar, LLC;)
 Jefferson Solar, LLC; Madison Solar, LLC;)
 Fairfield Solar, LLC; Bell Solar, LLC;)
 Webster Solar, LLC; B&K Solar, LLC;)
 GEB Solar, LLC; Ross Solar, LLC;)
 Summerton Solar Farm, LLC;)
 Clarendon Solar Farm, LLC;)
 Azalea Solar LLC; Cardinal Solar LLC;)
 Sunflower Solar LLC; Cosmos Solar LLC;)
 Zinnia Solar LLC; Chester PV1, LLC;)
 Ninety-Six PV1, LLC;)
 Newberry PV1, LLC; Bradley PV1, LLC;)
 Jonesville PV1, LLC; Ft. Lawn PV1, LLC;)
 Mt. Croghan PV1, LLC;)
 Whitetail Solar, LLC; Rhubarb One LLC;)
 Cotton Solar, LLC; and Shorthorn Holdings,)
 LLC,)
)
 Complainants/Petitioners,)
 v.)
)
 Duke Energy Carolinas, LLC and)
 Duke Energy Progress, LLC,)
)
 Defendant/Respondents

**OBJECTION
TO DUKE ENERGY CAROLINAS,
LLC AND DUKE ENERGY
PROGRESS, LLC'S
FIRST INTERROGATORIES
AND REQUEST FOR
PRODUCTION OF DOCUMENTS
TO
BIRDSEYE RENEWABLE
ENERGY PROJECTS**

INTRODUCTION

- Docket No. 2017-321-E, was opened on **October 16, 2017**.
- The Birdseye Renewable Projects filed a Motion to Consolidate Docket 2017-327-E, with the identical Complaint Docket 2017-281-E, on the same date, **October 16, 2017**.
- In correspondence to this Commission, dated **October 20, 2017**, counsel for Duke Energy Carolinas, LLC and Duke Energy Progress, LLC, ("Duke"), **consented** to the Birdseye Renewable Energy's Motion to Consolidate Docket 2017-321-E and Docket 2017-281-E.
- Josh Minges, Esquire was appointed Hearing Officer in Docket 2017-281-E, on **October 25, 2017**.

- In a filing with this Commission, Hearing Officer Minges, transmitted to the parties, his recommendation on **October 27, 2017**, to consolidate Docket 2017-281-E and Docket 2017-331-E.
- However, Duke's counsel still submitted its First Interrogatories and Requests for Production of Documents to the Birdseye Renewable projects on **November 1, 2017**, in the Docket to be closed by consolidation, Docket 2017-321-E.
- Docket 2017-321-E and Docket 2017-281-E, were in fact consolidated by this Commission on **November 8, 2017**.

SUMMARY OF FILING DATES

Based on the dates and actions set forth hereinabove, Duke's counsel propounded Interrogatories to the Birdseye Projects on November 1, 2017, in the now closed Docket 2017-321-E, **notwithstanding the following facts:**

- The Birdseye Project's Attorney had requested consolidation of Docket 2017-321-E and Docket 2017-281-E, on **October 16, 2017**.
- Duke's counsel consented to consolidation on **October 20, 2017**, of Docket 2017-321-E and Docket 2017-281-E.
- Hearing Officer Minges indicated his recommendation to consolidate Docket 2017-321-E and Docket 2017-281-E on **October 27, 2017**.

Therefore, Duke's counsel propounded discovery on November 1, 2017, in the now closed Docket 2017-321-E, **with full knowledge that** (i) consolidation was requested (ii) Duke's counsel had consented to consolidation, in writing (iii) the Hearing Officer recommended consolidation and (iv) consolidation and closing of Docket 2017-321-E was likely before the due date for Duke's counsel's discovery, which was November 21, 2017. In fact Docket 2017-321-E was closed 13 days before the November 21, 2017 due date for a response to Duke's discovery, leaving Birdseye Renewables with a closed Docket. It is worth noting, that other than changing the caption of the discovery, from Request for Production to Request for Interrogatories and for Production, Duke's discovery Request to the Birdseye Renewable Projects, appears to be the same as the discovery to which the undersigned objected to on October 8, 2017, in Docket 2017-281-E.

CONCLUSION

Based on the foregoing, counsel requests that Duke's discovery described hereinabove, be voided or in the alternative, the due date for a response to Duke's discovery be established as twenty days after this Commission's consolidation of Docket 2017-321-E and Docket 2017-281-E, on November 8, 2017, with the Birdseye Renewable Projects' discovery responses/objections to be filed in Docket 2017-281-E.

/s/

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November 9, 2017
Columbia, South Carolina

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2017-281-E**

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 LLC,)
)
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 v.)
)
 Duke Energy Carolinas, LLC and)
 Duke Energy Progress, LLC,)
)
 Defendant/Respondents

CERTIFICATE OF SERVICE

I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have served the Objection to Duke Energy Carolinas, LLC and Duke Energy Progress, LLC's First Interrogatories and Request for Production of Documents to Birdseye Renewable Energy Projects and this Certificate of Service, via electronic mail on November 9, 2017, as indicated on the following page.

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/s/ _____
Carrie A. Schurg

November 9, 2017
Columbia, South Carolina